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By Thomas Fitzgerald, Inquirer Staff Writer – July 5, 2010

Most people who write their congressman get back a polite form letter.

But when the Bryski family of Marlton contacted Rep. John Adler (D., N.J.) last year with its story of tragedy, it got legislation drafted and introduced that, if enacted, would change the way millions of student loans are handled.

In 2004, Christopher Bryski was 23 and in college - a seemingly invulnerable varsity athlete - when he suffered a traumatic brain injury in a freak accident; he spent two years in a persistent vegetative state before dying. As brutal as it was for the Bryskis to lose a son and brother in this way, the event triggered a financial nightmare for them.

Because his father, Joseph Bryski Sr., had cosigned Christopher's student loans with several banks, the family was on the hook for tens of thousands of dollars, obligations that had been buried in fine print. So even while medical bills accumulated as Christopher lay in limbo, the student loans came due and the interest rate increased. The Bryskis struggled to keep up.

"The process was horrible," said mother Diane Bryski.

Direct student loans from the federal government are forgiven if the borrower dies or becomes incapacitated, but so-called private loans from banks that millions of students carry usually are not. And because Christopher had not signed a power-of-attorney document, his parents and brothers had no legal standing to negotiate payment terms, nor could they access his bank accounts to help pay off his student debt, rent, and credit card bills.

Two or three times a week, banks and credit card companies would call the family demanding payments.

"Some were understanding but said they couldn't do anything: 'We need to talk to Christopher,' " brother Ryan Bryski, 32, recalled, shaking his head at the memory. "What part of 'coma' do you companies not understand?"

The family declined to identify the lending institutions.

Eventually, the Bryskis had to petition to obtain legal guardianship of Christopher, a painful proceeding that involved a court-appointed attorney's quizzing the young man in his hospital bed to confirm he was incapacitated.

The Christopher Bryski Student Loan Protection Act (H.R. 5458) would provide some forewarning for families, requiring banks providing student loans to inform borrowers and cosigners of their obligations in case of incapacity or death, to define those terms in a standard way, and to discuss the option of credit insurance, which pays off debts in the event of death.

Bankers and educational institutions would also have to counsel families taking out loans about the benefits of a durable power of attorney, which designates someone to make financial, legal, and medical decisions for you if you become incapable of doing so.

The Bryskis are hardworking people, and they say they do not want to shirk their legal obligation to pay Christopher's debt - on which they continue to make payments.

"We want other families not to have to go through what we did," Ryan Bryski said.

During 2007-08, 13 percent of students attending a four-year public college or university and 26.2 percent of those attending a private four-year institution had private student loans, according to government figures. Sallie Mae, the student-loan company, says that about 84 percent of private student loans involve cosigners.

"The Bryskis exposed a gap in the system," said Adler, a member of the House Committee on Financial Services. He said his bill was aimed at providing "disclosure" for families undertaking private student loans.

Not only would families be able to prepare themselves, but also greater awareness of the problem may put market pressure on private lenders to bring their loans into line with the forgiveness policy of the federal direct student loans. "Information is power," Adler said.

Already, the Brain Injury Association of America has endorsed the legislation, as has the National Association of State Head Injury Administrators, which represents state officials who deal with the care of the brain-injured.

"I don't see any additional cost to the lender for providing this heads-up information; it's going to add another minute to the script as they go through the loan papers," said Susan Connors, president of the Brain Injury Association. "There is only an upside."

Adler's office has not yet heard from financial-institution lobbyists. Officials with the American Banking Association, the industry's main trade group, did not respond to requests for comment.

The bill was introduced in May and has drawn four cosponsors so far. It has not yet been set for a hearing.

In the spring of 2004, Christopher Bryski was on the Rutgers varsity wrestling team, studying exercise physiology and business economics on the New Brunswick campus. Outgoing and well-liked, he was trying to figure out what he wanted to do, his family said.

He had been a standout athlete in high school and had a "purposeful side," his mother said, mentoring younger students on self-esteem and staying away from drugs.

Christopher was climbing a tree in a friend's yard when, on his way down, a limb snapped and

he fell headfirst 45 feet to the ground.

"It's not something you want to think about, but you must be prepared," Diane Bryski said. "This can happen to anybody."

In the family living room stands a monument to Christopher - his ashes resting in a box in a glass-enclosed case, with mementos, including military friends' dog tags, pictures, a rosary, and crosses woven from palm fronds.

Now the family hopes there also will be a federal law that honors Christopher Bryski.

"In trying to help other people, you're living [Christopher's] values," Adler told the Bryskis. "It's amazing."